

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-031021-001 DT

06/18/2010

HON. SALLY S. DUNCAN

CLERK OF THE COURT
M. Cabral/E. Rosel
Deputy

STATE OF ARIZONA

JUAN M MARTINEZ

v.

JODI ANN ARIAS (001)

KIRK NURMI
VICTORIA ELISABETH WASHINGTON

CAPITAL CASE MANAGER
VICTIM SERVICES DIV-CA-CCC

MINUTE ENTRY

Prior to the commencement of this proceeding, Defendant's Exhibits 1 through 12 are marked for identification.

10:03 a.m. This is the time set for Evidentiary Hearing and oral argument.

State's Attorney:	Juan Martinez
Defendant's Attorney:	Kirk Nurmi (1 st chair)
Defendant's Attorney:	Victoria Washington (2 nd chair)
Defendant:	Present
Court Reporter:	Scott Kindle

Defense counsel invokes the Rule of Exclusion of Witnesses.

Discussion is held on Defendant's Motion to Dismiss Allegation of Death Penalty filed on 01/19/2010.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-031021-001 DT

06/18/2010

Counsel for the Defendant and counsel for the State indicate that they have no further arguments and stand on the pleadings.

IT IS ORDERED denying Defendant's Motion to Dismiss Allegation of Death Penalty.

Argument is heard on Defendant's Motion to Dismiss the Alternative Charge of Felony Murder filed on 04/15/2010.

IT IS ORDERED taking Defendant's Motion to Dismiss the Alternative Charge of Felony Murder under advisement.

Argument heard: Defendant's Motion to Set Capital Case for Trial Beyond Current Last Day of August 31, 2010 – Trial Conflict.

LET THE RECORD FURTHER REFLECT that prior to the commencement of this hearing, this Court conferred with the Presiding Criminal Judge, Judge Rayes, and was given permission to reset this matter beyond the current last day and exclude applicable time limits.

Discussion is held.

There being no objection from the State,

IT IS ORDERED granting Defendant's Motion to Set Capital Case for Trial Beyond Current Last Day.

IT IS FURTHER ORDERED vacating Trial set on August 16, 2010 and resetting same to **August 2, 2011 at 8:00 a.m.** in this division.

IT IS FURTHER ORDERED setting Final Trial Management Conference on **July 22, 2011 at 8:30 a.m.** (time allotted: 3.5 hours) in this division.

IT IS FURTHER ORDERED excluding applicable time limits.

NEW LAST DAY: 09/02/2011

Argument is heard on Defendant's Motion to Allow Examination of Evidence filed on 06/03/2010.

IT IS ORDERED granting Defendant's Motion to Allow Examination of Evidence.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-031021-001 DT

06/18/2010

Discussion is held re: State's Motion to Preclude Letters Purportedly Written by Travis Alexander to Defendant.

Discussion is held re: Defendant's Request for Extension of Time to Respond to State's Motion to Preclude Letters.

Based on the discussions held,

The Court previously granted Defendant's Request for Extension of Time by minute entry dated 06/15/2010. The Court will allow additional time for Defense counsel to file a written Response.

Counsel for the State makes an oral Motion for Discovery re: original handwritten letters from the victim, Travis Alexander, to the Defendant.

Argument is heard.

Based on the discussions held,

IT IS ORDERED that counsel shall brief the oral Motion for Discovery re: original handwritten letters.

IT IS ORDERED setting Evidentiary Hearing on **September 14, 2010 at 8:30 a.m.** (one day allowed) in this division. All briefing shall be completed before September 14, 2010.

Argument is heard on Defendant's Motion for Deposition.

IT IS ORDERED granting Defendant's Motion for Deposition. Counsel shall confer with the witnesses to arrange the date and time for the deposition(s). Counsel shall submit a formal Order to this Court regarding the date and time for the requested deposition(s).

10:48 a.m. Court stands at recess.

10:59 a.m. Court reconvenes with the Defendant and respective counsel present.

Court reporter, Scott Kindle, is present.

Defense counsel advises the Court that during the recess, the victim's representative was discussing issues with the witnesses outside of the courtroom.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-031021-001 DT

06/18/2010

Samantha Alexander, the victim's representative, addresses the Court.

The Court advises the victim's representative regarding the Rule of Exclusion of Witnesses.

Evidentiary hearing on Defendant's Motion to Dismiss Charges or in the Alternative Motion to Dismiss Death Due to Brady Violation commences at this time:

Defendant's case:

Detective Esteban Flores is sworn and testifies.

The witness is excused.

Detective Michael Melendez is sworn and testifies.

The witness is excused.

Sky Hughes is sworn and testifies.

The Court has ordered that Sky Hughes shall submit to a deposition.

At the request of Defense,

IT IS ORDERED that after Sky Hughes' deposition is completed, Sky Hughes shall turn over the victim's journal(s) to Detective Flores.

Chris Hughes is sworn and testifies.

The Court has ordered that Chris Hughes shall submit to a deposition.

The witness is excused.

Detective Larry Glabysh is sworn and testifies.

The witness is excused.

Discussion is held as to the issue of discovery as to text messages and emails.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-031021-001 DT

06/18/2010

The Court determines that the deposition of Chris Hughes and review of the cell phone and journal will determine if additional material is needed for discovery.

IT IS ORDERED taking Defendant's Motion to Dismiss Charges or in the Alternative Motion to Dismiss Death Due to Brady Violation under advisement.

IT IS FURTHER ORDERED setting Capital Case Management Conference on **August 5, 2010 at 8:30 a.m.** in this division.

IT IS FURTHER ORDERED that no less than two working days before each Case Management Conference, the parties shall submit a Joint Case Management Report. This report will inform the court of:

1. The specific progress made since the last Case Management Conference in completing activities previously established by the court and the parties;
2. Specific case preparation to be completed before the next Case Management Conference;
3. Witnesses who have been interviewed in the preceding month;
4. Witnesses who will be interviewed in the upcoming month;
5. Pending issues to be resolved;
6. Motion(s) to be filed.

LET THE RECORD REFLECT Defense has requested an extension of time to respond to the State's Motion to Preclude Letters Purportedly Written by Travis Alexander to Defendant.

No objection from the State,

IT IS ORDERED granting Defense's request for extension of time to respond.

12:25 p.m. Matter concludes.

Note: The courtroom clerk retains Defendant's Exhibits 1 through 12 until the next Evidentiary Hearing on September 14, 2010.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>